

the line. It makes no exception for the health of the woman. Senator DURBIN reaches to that issue. I commend him for his effort.

The fact is, if you make no exception for the health of the woman, you are overturning Roe; there is no question about it. And by using the term "partial-birth abortion," which has never been in any medical directory in the history of medicine—it is a political term—it is so ill-defined that the courts have ruled it would in fact make most abortion illegal.

Listen to what some of the judges have said. In the State of Alaska: It would restrict abortion in general; in the State of Florida: This statute may endanger the health of women who might seek abortion; in Idaho: The act bans the safest and most common method of abortion used in Idaho and, therefore, imposes an undue burden on a woman. It goes on and on.

Nineteen States have said this Santorum language goes against Roe, endangers the life, the health—in particular, the health—of a woman.

I hope we will table the Santorum amendment.

The PRESIDING OFFICER. All time has expired.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak for 2 minutes on the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise today to support the Late Term Abortion Limitation Act of 1999.

I would like to thank Senator DURBIN for working with me and others who oppose later term abortions like the procedure being discussed today, which some have called partial-birth abortion.

Let me start by saying that this is a difficult issue for anyone to discuss. And it is an emotional issue. It is not easy for any of us in this Chamber to discuss terminating a pregnancy.

As a mother who has gotten infinite joy from twin 3-year-old boys and was blessed with a safe and healthy natural delivery, it is an especially sensitive topic for me.

Like many of the people that I represent in Arkansas, I do not believe the so-called partial-birth abortion should be an elective procedure.

We should put an end to all forms of abortion after viability except in cases where a late term abortion is medically necessary to save the life of the mother or when "grievous injury" could harm the mother.

Congress has attempted to eliminate what some people call partial-birth abortions in the past. And 30 states have enacted similar legislation. But most efforts to end this horrific procedure have been unsuccessful thus far because the courts have overturned them.

As I have shown during debate on HMO reform and tax reform, I am re-

sult-oriented. I believe we're here to get things done, to effect change, instead of scoring political points.

For that reason, I have chosen to support Senator DURBIN's approach to eliminating late term abortions because Senator DURBIN has taken care of the concerns raised by courts and because this legislation will actually reduce the number of late term abortions.

I should point out that, while serving in the House of Representatives, I twice voted in favor of a ban on partial-birth abortions, expressing my concern that the life and serious health of the mother be considered.

Much has happened since then. Nineteen courts have overturned laws very similar to the one I supported. Some rule that the term "partial-birth abortion" is too vague.

While I am not a lawyer, I understand the courts' point because all of the doctors I have discussed this issue with tell me that there is no such procedure as partial birth abortion.

In addition, the courts have noted that states cannot regulate or prohibit abortion prior to viability. So it is very important, if we want results from this debate, to specify that we are talking about post-viability.

Senator DURBIN has corrected these prior legislative flaws by referring to abortions after viability rather than partial-birth abortions.

In addition, the Durbin late term abortion ban would eliminate elective late term abortions by requiring not one but two doctors to certify the need for a late term abortion to save the life or serious health of the mother.

I support the Durbin amendment because if Senators really want to ensure that we stop late term abortions, then we should pass legislation that can stand the test of the courts.

The Durbin amendment could stand the test and become law. It has the best chance of producing results.

So if results are what we're looking, if stopping late term abortions—including the so-called partial-birth abortions—is our goal, then this is the right option.

If we vote for other vague measures, we will be right back here next year, and the next year, still debating this issue—without results.

Let's do the right thing and ban unnecessary late term abortions by voting for the Durbin amendment which can stand up to federal court tests.

Mrs. BOXER. Mr. President, I move to table the Santorum amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2322. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—36

| | | |
|----------|------------|-------------|
| Akaka | Feinstein | Lincoln |
| Baucus | Graham | Mikulski |
| Bingaman | Harkin | Murray |
| Boxer | Inouye | Reed |
| Bryan | Jeffords | Robb |
| Chafee | Kennedy | Rockefeller |
| Cleland | Kerrey | Sarbanes |
| Collins | Kerry | Schumer |
| Dodd | Kohl | Snowe |
| Durbin | Lautenberg | Torricelli |
| Edwards | Levin | Wellstone |
| Feingold | Lieberman | Wyden |

NAYS—63

| | | |
|-----------|------------|------------|
| Abraham | Dorgan | Lugar |
| Allard | Enzi | Mack |
| Ashcroft | Fitzgerald | McConnell |
| Bayh | Frist | Moynihan |
| Bennett | Gorton | Murkowski |
| Biden | Gramm | Nickles |
| Bond | Grams | Reid |
| Breaux | Grassley | Roberts |
| Brownback | Gregg | Roth |
| Bunning | Hagel | Santorum |
| Burns | Hatch | Sessions |
| Byrd | Helms | Shelby |
| Campbell | Hollings | Smith (NH) |
| Cochran | Hutchinson | Smith (OR) |
| Conrad | Hutchison | Specter |
| Coverdell | Inhofe | Stevens |
| Craig | Johnson | Thomas |
| Crapo | Kyl | Thompson |
| Daschle | Landrieu | Thurmond |
| DeWine | Leahy | Voinovich |
| Domenici | Lott | Warner |

NOT VOTING—1

McCain

The motion was rejected.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

The question now is on agreeing to the Santorum amendment, as modified.

The amendment (No. 2322) was agreed to, as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE, AND PARTIAL BIRTH ABORTION BANS.

FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973));

(2) No partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

SENSE OF CONGRESS.—It is the sense of the Congress that—partial birth abortions are horrific and gruesome procedures that should be banned.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. I ask consent that the Senate proceed to the conference report on the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000,

and for other purposes, and ask for its immediate consideration.

The report will be stated.

The clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2670, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 1999.)

Mr. HOLLINGS. Mr. President, I am pleased to join my subcommittee chairman, Senator GREGG, in presenting to the Senate the fiscal year 2000, Commerce, Justice, State, the Judiciary, and related agencies appropriations conference report. I would like to thank Senator GREGG for his efforts in resolving many of the difficult issues that were encompassed in this bill. As a result of over four weeks of negotiations, the conference report before the Senator today—for the most part—is good and balanced.

As Senator GREGG stated, this agreement includes \$39 billion and exceeds last year's appropriation by almost \$3 billion. While this sounds like a tremendous increase in funding, for all intent and purpose, this increase is for the 2000 decennial census. Consequently, the funding decisions encompassed in this bill were difficult. Senator GREGG has already covered many of the major issues in this bill so I will not go into great detail. But, I would like to point out to my colleagues some of the highlights of this bill:

The Justice Department accounts for the largest portion of this bill and contains \$18.5 billion for many important law enforcement agencies including the FBI, DEA, INS, and Marshals Service. This level of funding is only an increase of \$287 million above last year's appropriated level. Within DOJ, the conferees agreed to recede to the Senate's position the Office of Community Oriented Policing Services (COPS) program, and funded the program at the Senate level of \$325 million. In addition, \$250 million in carryover is available bringing the total budget authority for this program for fiscal year 2000 to \$575 million. While many of us would like to see a higher level of funding for this program, I believe that we have provided a responsible level given the austere funding constraints this year.

Mr. President, the conferees also agreed to continue the Safe Schools Initiative that Senator GREGG and I began funding last year. To further efforts in combating violence in and around our schools, we have included \$225 million in funding. Included in that funding is \$180 million for school resource officers and \$30 million for prevention programs.

Regarding the Commerce Department, \$8.7 billion is provided for the

numerous missions undertaken by the various agencies of the Commerce Department, including stewardship of our nation's oceans and waterways, satellite coverage and weather forecasting, regulation of trade and telecommunications, assistance to rural areas, high risk technology research, and assistance to small manufacturers. Also within this level of funding for the Commerce Department is the \$4.47 billion necessary for conducting the constitutionally mandated decennial census. I would like to thank Chairman GREGG for working to resolve the issues around census funding without lengthy and counter-productive debate.

I am pleased that the conference report reflects a level of funding for the National Oceanic and Atmospheric Administration (NOAA) that is closer to the Senate position than the House. NOAA is the premier agency for addressing catastrophic weather conditions as well as daily forecasts. This year has been one filled with natural disasters—everything from droughts, floods, tornadoes, and hurricanes. During this past month while our staff was negotiating on this bill, about 10 million people were evacuated from the coast during Hurricane Floyd. Thanks to NOAA's hurricane research, their flights into the storm their satellite coverage and weather forecasts, the loss of life, while still very tragic, was significantly less than what it otherwise would have been. Mr. President, when we went into conference 6 weeks ago, there was a \$600 million difference in funding for NOAA between the House and Senate. The Senate worked diligently to restore NOAA's funding and the conference report reflects those efforts with NOAA funded at an increase of \$137 million above last year's appropriated level. Given this agency's missions that include everything from weather forecasting and atmospheric research to ocean and fisheries research and ocean and coastal management, this level of funding is still insufficient, but given the fiscal constraints, it is enough to allow the agency to continue forward with its critical missions.

This conference report provides \$5.9 billion for the Department of State and related agencies. This will fund security upgrades for State Department facilities, construction and maintenance of U.S. missions, payment of international organization and peacekeeping funds, and educational and cultural exchanges. This year we are providing \$313.6 million in funding for much needed security upgrades at State Department facilities around the world. Incidents such as the bombings in Kenya and Tanzania have reminded us that we cannot dismiss the safety and security of our citizens abroad.

Now I would like to take a moment to thank the staff for all their hard work in bringing this agreement to the floor. Specifically I would like to thank Jim Morhard, Paddy Link, Kevin Linskey, Eric Harnischfeger,

Clayton Heil, and Dana Quam of Senator GREGG's staff and Lila Helms, Emelie East, and Tim Harding of my staff. I know that they have all worked long hours during the past 4 weeks, including weekends and late evenings to reach a compromise and I appreciate their efforts. This a large bill that funds the Federal law enforcement, oceans and fisheries, our nations courts and everything in between. Reaching compromise on these myriad accounts is no small task and I thank them for their diligence.

Mr. President, I take this opportunity to give a few words of thanks to someone who has been a tremendous help to me and the Commerce, Justice, State Subcommittee over this last year. That person is Tim Harding, an extremely bright young man who was detailed to me by the Department of Justice COPS on the Beat program.

Tim worked with me and my staff since last winter. He has seen this process through—from receipt of the President's budget, to our congressional hearings, to markup, through our whirlwind day on the Senate floor, and through this month and a half of conference. At every point, Tim was willing and ready to give 100 percent. While we all know the Senate is like no other place, Tim took the time to learn what makes this process work, and he was able to easily adapt. He provided me with memos, helped me with my constituent relations, and drafted good-quality statements for my use during hearings, markup, and floor consideration of our bill. His work will be sorely missed by me and my staff, and I wish him all the best in what promises to be a bright future.

Mr. GREGG. Mr. President, I bring to the floor the conference agreement for the Commerce, Justice, State, and judiciary appropriations for fiscal year 2000.

This conference agreement includes \$39 billion for these and other related agencies. This is \$2.8 billion above last year's level and \$7.9 billion below the President's request. Also, it is \$3.6 billion above the Senate level, which includes the additional funding requested for the census.

To start out with, I want to address the department that comprises almost half of the funding in this bill, the Department of Justice. We provide it with \$18.5 billion.

Within Justice, we continue counterterrorism measures. A total of \$152 million is directed to the counterterrorism program to bolster current counterterrorism initiatives. The conference agreement provides \$14 million to the National Domestic Preparedness Consortium for their cooperative efforts. We put emphasis this year on equipment for first responders so that they have what is needed when they arrive first-on-the-scene of any terrorist attack.

We also remain concerned about attacks on computer systems, these being a primary target to sabotage.

The conferees agreed to \$18.6 million for the National Infrastructure and Protection Center, through the FBI account, which serves as the central clearinghouse for threats and warnings or actual cyber-attacks on critical infrastructures. The FBI has field computer crime-intrusion squads and computer analysis and response teams to combat cyber crime and sabotage.

However, I remain concerned by the release of the FALN members by the President, and its effect on our overall counterterrorism policy. In the past few years, the Appropriations Committee has worked closely with all aspects of the law enforcement community to hammer out a united, comprehensive counterterrorism strategy. There has been marked improvement in understanding where we need to go to prevent and to be ready for terrorist incidents. The President's clemency agreement takes that understanding and drives a stake in it. The President chose to release members of a known terrorist organization, against the recommendation of the pardon attorney and the Federal Bureau of Investigations.

The FBI is one of the lead agencies on terrorism policy, and the President disregarded their opposition to the clemency agreement. The President's actions went against his own administration and congressional efforts to craft and implement a strong counterterrorism policy.

Ironically, his argument was that none of these individuals had been charged with murder. Terry Nicholas was not charged with murder, but 168 died in the Oklahoma City bombing.

Unfortunately, the President's actions have created a schism in our terrorist policy that may take years to overcome.

Moving to an area that is as horrifying as a terrorist attack, the conference agreement provides funding to address child abductions and missing children. We were able to retain the Senate's Missing Children program, which provides \$19.9 million to help law enforcers find and care for missing children. We also fund the FBI's programs to prevent child sexual exploitation on the Internet. These efforts help solve investigations involving missing children by creating specialized cyber units whose purpose is to monitor and react to Internet pedophiles. The FBI works closely with the National Center for Missing and Exploited Children to find the victims of these attacks and return them to their families.

To protect children in schools, the conference agreement recommends \$225 million through the Safe Schools Initiative. The availability of these funds for schools, groups, and law enforcement should encourage communities to work together to address the escalation of violence in schools throughout the Nation.

The conferees believe it is also important to encourage out-of-school pre-

vention methods as well. One way to stop juvenile violence is to get young people involved in programs outside of school. The conference agreement includes the Senate number, \$50 million, for the Boys and Girls Clubs of America. It retains the Senate language regarding the use of the Internet in the clubs. Additionally, \$13.5 is provided for Juvenile Mentoring Programs (JUMP), such as Big Brothers and Big Sisters and similar community programs that bring responsible adults together with children in a mentoring capacity. I believe prevention is preferable to punishment, and these programs can redirect the energies of high risk youth into positive activities.

The conference agreement provides over \$537 million for juvenile programs through the juvenile justice budget and accountability incentive grants.

In an effort to combat another problem our society faces daily, the conference agreement supports counter drug efforts by the Justice Department. We provide DEA with \$53.9 million for mobile enforcement teams and \$17.4 million for regional drug enforcement teams. These teams have the flexibility to go to the hot spots in small cities and towns and provide an immediate, effective response to drug trafficking. They come in at the request of State and local law enforcement and work together to stop drug trafficking.

The agreement also includes \$27.1 million for the DEA and \$35.6 million for State and local enforcement efforts to end methamphetamine production and distribution.

Under my tenure as chairman, this committee has been supportive of the Violence Against Women Act Programs. The conference agreement includes the Senate level of \$284 million. Within this level, \$207 million is available for general formula grants to the States. Within those grants, \$10 million will be available for programs on college campuses and \$10 million for Safe Start programs. In addition, we retained the increase for court appointed special advocates and provide \$10 million.

The Senate will be glad to hear we were able to bolster some accounts in conference that had been reduced this year in the Senate bill. The local law enforcement block grant was raised to last year's level of \$523 million.

The conferees provide \$30 million for police corps; \$25 million for grants for bullet proof vests; and \$40 million for the Indian country law enforcement initiative.

The State prison grants were increased above the Senate proposed level to \$686.5 million, and \$420 million was designated for SCAAP.

The last issue I want to address within the Justice Department is funding for law enforcement technology grants. As we approach the new millennium and provide funding for fiscal year 2000, it is important that we ensure that law enforcement is not behind in tech-

nology. The conference agreement includes funding of \$250 million for law enforcement technology grants. These grants will be available for State and local law enforcement to acquire equipment and training to address criminal activities in our communities.

Moving to Commerce, the conferees recommend a level of \$25.6 million for the United States Trade Representative. The International Trade Commission is funded at \$44.5 million, and the International Trade Administration is funded at a level of \$313.5 million. The funding level for the Bureau of Export Administration is \$54 million.

The conferees provide full funding for the Bureau of the Census at a level of \$4.8 billion. The decennial census is funded at the Administration's requested level. The Administration sent a budget amendment to Congress as the Senate's Commerce, Justice, State Appropriations measure was being reported to the Senate. Therefore, the committee was unable to incorporate this amendment in the original bill. A hearing was held on the administration's budget amendment in late July, and the conference report before us today contains all of the funds requested by the administration.

The funding for the National Telecommunications and Information Administration includes \$26.5 million for the public broadcasting grant program and \$15.5 million for information infrastructure grants.

The agreement funds the programs of the National Institute for Standards and Technology (NIST) at a total of \$639 million for fiscal year 2000. Of this amount, \$283.1 million is for NIST's scientific and technical research and services programs.

NIST's external activities, the Advanced Technology Program (ATP) and Manufacturing Extension Program (MEP) are funded at the levels of \$211 million, including carryover balances, and \$104.8 million, respectively.

The agreement fund the National Oceanic and Atmospheric Administration programs at a level of \$2.3 billion. This funding level will continue vital funding for oceanic and atmospheric research programs which have such strong support in the Senate.

The five major line offices of the agency are funded as follows: the National Ocean Service at a level of \$267.3 million; the National Marine Fisheries Service at \$403.7 million; the Office of Oceanic and Atmospheric Research at \$300 million; the National Weather Service at \$603.8 million; and, the National Environmental Satellite, Data and Information Service at a level of \$111.4 million.

The agreement also provides funding for the first new fishery research vessel approved for the agency in several years.

The conference agreement contains \$10 million to capitalize two funds created under the Pacific Salmon Treaty, and \$50 million for a Pacific Salmon Restoration Fund requested by the administration.

A small part of our bill—\$3.7 billion—is the judiciary. The conference agreement provides the judiciary with \$122 million more than the Senate level. We fully fund defender services, and increase the hourly rate for court appointed public defenders. In addition, the Senate COLA provision was retained.

Now, for the last department in this bill, we provide \$5.8 billion to the State Department.

The conferees recommend \$254 million for worldwide security under Diplomatic and Consular Programs. We also provided \$313.6 million in security-related construction under the Security and Maintenance of U.S. Missions account. These levels will address infrastructure concerns raised by the Dar Es Salaam and Nairobi bombings last year.

Cultural and Educational Exchange Programs are funded at \$205 million. These programs give U.S. and foreign citizens the chance to interact on an educational level where cultural diversity can be explored.

The conference agreement includes adequate funding for the agencies related to the State Department, including the Asia Foundation and the National Endowment for Democracy.

Lastly in State, we provide \$351 million to cover U.N. arrears, subject to authorization. This represents the final payment associated with the Helmbiden agreement on UN reforms.

This bill contains a handful of related agencies that act independently of the departments within this bill, and comprise \$2 billion of the total of this conference agreement.

For the Maritime Administration, the conference agreement recommends \$178.1 million. Within the level, the Maritime Academy receives \$34.1 million. The Maritime Security Program is funded at \$98.7 million, including carryover balances.

The conference agreement funds the Federal Communications Commission at a level of \$210 million. This funding level permits the agency to pay rent in its new location, but does not provide funding for some of the new technology initiatives the agency had hoped to implement in FY 2000.

As requested in the FCC budget, the Senate bill contained a provision permitting the FCC to protect our national spectrum assets. The provision in the Senate bill, Section 618, would have permitted the FCC to re-auction licenses currently entangled in bankruptcy court proceedings. This provision was dropped in conference at the insistence of the House. I regret that it was dropped.

The FCC began auctioning licenses for spectrum in late 1994, and some of the companies who were successful bidders subsequently filed for bankruptcy. The bankruptcy courts have permitted some of these companies to avoid paying their debt to the Federal Government for obtaining these licenses. Billions of dollars are being lost to the

treasury because of these rulings. These companies should not be permitted to use these licenses, for which they have not paid in full, as assets in a bankruptcy proceeding. Spectrum licenses are national assets, and the proceeds from the sale of these licenses are the taxpayers' assets. I hope we will be able to revisit this provision at a later date.

The Small Businesses Administration (SBA) is one of the larger agencies in this bill. The conference agreement provides \$803.5 million for their SBA. Within the amount, \$84.5 million goes to the Small Business Development Centers.

We also provide the Senate level of funding for the Women's Business Centers and National Women's Business Council.

The SBA disaster loan assistance program is funded at a level of \$255.4 million.

And, as a last mention on this bill, the agreement before us recommends \$125 million for the Federal Trade Commission. Of particular importance is the Senate language regarding the Internet.

The conference agreement contains modified language regarding efforts to police the Internet and U.S. electronic financial markets within the Federal Trade Commission and the Securities and Exchange Commission. The conferees are aware that the explosion of Internet commerce also increases the opportunities for fraud and abuse. We want to ensure that those agencies that monitor the Internet are able to adapt to the increasing activity and match their consumer protection efforts in equal measure.

I think this agreement addresses the issue, yet believe there is still much more to do in the areas of Internet policy.

Overall, I believe this conference agreement of the House and Senate bills provides funding required to execute the needed services and programs under our purview. We have not reduced these accounts like we had to to meet the low Senate allocation. We were able to provide additional funding to these accounts that Senators and the administration thought were not given their due in the Senate bill. The ranking member and his staff participated fully in bringing this agreement to you. I want to extend my thanks for their collegial efforts. They worked with us side-by-side to construct what we believe is a respectable bill.

I urge my colleagues to pass this conference agreement as being a sound compromise.

I would like to take a moment to thank the staff for all their efforts on this conference agreement. Every year they do their best to get this particular bill completed quickly, and, every year we find ourselves jockeying for last position. I know they work hard to avoid this situation. The diverse jurisdiction of this bill tends to lead to controversy somewhere within its realms even in

the best of years. I appreciate the staff giving up weekends and countless nights to bring to Congress a passable CJS appropriations bill. Thanks to my staff, Jim Morhard, Paddy Link, Kevin Linskey, Eric Harnischfeger, Clayton Heil, Vas Alexopoulos, Dane Quam, Brian McLaughlin, and Jackie Cooney.

HATE CRIMES

Mr. KENNEDY. Mr. President, civil rights is still the unfinished business of America. It is unconscionable that Congress would signal that the Federal Government has no role in combating hate crimes in this country. Yet, that is exactly the signal the Republican leadership has sent by eliminating the Senate-passed provisions on hate crimes from the final report of the Commerce-Justice-State Appropriations Act.

Since just after the Civil War, Congress has repeatedly recognized the special Federal role in protecting civil rights and preventing discrimination. This Federal responsibility, based on the 14th amendment to the Constitution, is reflected in a large body of Federal civil rights laws, including many criminal law provisions. These laws are aimed at conduct that deprives persons of their rights because of their membership in certain disadvantaged groups. The Federal criminal law, among other prohibitions, bars depriving individuals of housing rights, destroying religious property because of religious bias, and committing violent acts because of racial hatred.

The point of these laws is not to protect only certain people from violence—we all deserve to be protected. The point is to recognize this special Federal responsibility to stop especially vicious forms of discrimination, and penalize it with the full force of Federal law.

Hate crimes legislation recognizes that violence based on deep-seated prejudice, like all forms of discrimination, inflicts an especially serious injury on society. These crimes can divide whole nations along racial, religious and other lines, as are seen too often in countries throughout the world. These crimes send a poisonous message that the majority in society feels free to oppress the minority. The strongest antidote to that unacceptable poison is for the majority to speak out strongly, and insist that these flagrant acts of violent bigotry will not be tolerated. That is why it is essential for hate crimes legislation to be endorsed by our nation and our communities at every level—Federal, State, and local.

The Hate Crimes Prevention Act of 1999, that so many of us support, is bipartisan. It is endorsed by a broad range of religious, civil rights and law enforcement organizations. It takes two needed steps. It strengthens current laws against crimes based on race, religion, or national origin. And it adds gender, sexual orientation, and disability to the protections in current law.

Earlier this year, the Senate added these important provisions to the Commerce-Justice-State Appropriations Act. But last Monday evening, the Senate-House conferees approved a conference report that does not contain the hate crimes provision. Behind closed doors, the conferees dropped the provisions. As a result, Congress is now MIA—missing in action on this basic issue of tolerance and justice and civil rights in our society.

Clearly, we must find a way to act on this important issue before the session ends. The Federal Government should be doing all it can to halt these vicious crimes that shock the conscience of the nation. State and local governments are doing their part to prevent hate crimes, and so must Congress.

Mr. LEAHY. Mr. President, one of the most significant amendments that the Senate adopted this summer as part of the Commerce-Justice-State appropriations bill was the Hate Crimes Prevention Act. This legislation strengthens current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability.

I commend Senator KENNEDY for his leadership on this bill, and I am proud to have been an original cosponsor. Now is the time to pass this important legislation.

Recent incidents of violent crimes motivated by hate and bigotry have shocked the American conscience and made it painfully clear that we as a nation still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our Federal hate crimes legislation is a step in the right direction.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. The Hate Crimes Prevention Act continues that great and honorable tradition.

Five months ago, Judy Shepard, the mother of hate crimes victim Matthew Shepard, called upon Congress to pass the Hate Crimes Prevention Act without delay. Let me close by quoting her eloquent words:

Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd Jr.'s, Billy Jack Gaither's and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people

with dignity and respect, or one that allows some people and their family members to be marginalized.

There are still a few weeks left in this session; we should pass the Hate Crimes Prevention Act this year.

Mrs. MURRAY. Mr. President, I feel compelled to express my concerns with the Commerce, Justice, State, and the judiciary appropriations bill for fiscal year 2000. I am disappointed by the inadequate funding for coastal salmon recovery and the Pacific Salmon Treaty. While I cannot complain about the funding for Washington State in relation to Alaska, California, and Oregon, I do believe the overall funding is woefully inadequate to address the tremendous crisis facing threatened and endangered salmon runs. Each state and their counties and cities are prepared to face the challenge of salmon recovery, but they must be given the tools to do so. The funds for Pacific coastal salmon recovery should be at the President's request level of \$100 million.

In relation to the Pacific Salmon Treaty, I must again bemoan the lack of adequate funding. The treaty agreement was signed late in the appropriation process and thus it is understandable that large scale funding would be difficult. However, the funding provided under this conference report does not approach our obligations under the treaty. We need to be signaling the intention of the U.S. to meet its treaty obligations and this bill does not do this. I believe the funding for the Northern and Southern Funds called for under the treaty should be more than the \$10 million provided. Furthermore, the elimination of the buy-back money for fishers is not only cruel to the families affected by the fishing reductions, but again does not send the right message to Canada.

In a related matter, the conference report contains legislative language that exempts Alaska from the provisions and requirements of the Endangered Species Act in relation to salmon. While I appreciate the State of Alaska's desire to have the Pacific Salmon Treaty protect its salmon fishery from any jeopardy findings, the provision is not in the spirit of the treaty. The states of Oregon and Washington, as well as the Pacific Northwest tribes, negotiated in good-faith to conclude the treaty. I must support Governor Kitzhaber and Governor Locke and the tribes in their opposition to this provision. This legislative provision is in effect an addendum to the treaty that the treaty negotiators did not agree to. It should be removed.

I am very disappointed the conference did not adopt the language of the Hate Crimes Prevention Act. Hate crime is real. Despite great gains in equality and civil rights over the latter part of the century, hate crimes are still being committed and offenders must be punished. Including this provision would have given us more tools to fight hate. The proposal would have expanded the definition of a hate crime

and improved prosecution of those who act out their hate with violence. If someone harms another because of race, gender, color, religion, disability or sexual orientation, they would be punished.

I am very disappointed that the conference failed to include the Senate language of the Hate Crime Prevention Act. Along with many of my colleagues, I will continue to push this legislation. It is about basic human rights for those who all too often persecuted while the majority looks the other way.

I am also unhappy the Community Oriented Policing Services Program (COPS) was so underfunded. The Subcommittee mark in the Senate included no funding for COPS. Some of us on the full Appropriations Committee restored a modest amount of money to the program. The President requested \$1.2 billion, but the conference funded COPS at only \$325 million. That is wrong.

COPS is one of the most successful programs of this decade. The initiative to get an additional 100,000 new police officers on the streets was widely criticized by many from the other side of the aisle. They said that the federal government could never successfully assist local law enforcement. They were wrong. The program is now praised by former opponents, the states are happy with it, and it has proven to be very effective.

Another problem is that once again behind closed doors, we continue to assault reproductive health care for women. Section 625 of this conference report includes a major authorizing change that was not part of the House or Senate passed bills. We did not debate or discuss this major expansion of the conscience clause included in Public Law 106-58, FY00 Treasury Postal Appropriations.

For those members who were not in this closed door meeting, let me explain. Section 625 would allow a pharmacist to object to providing a woman with a prescribed contraceptive if he or she felt the use of this contraceptive was contrary to their own individual religious beliefs or moral convictions. Pharmacists can make a moral judgment and deny women access to emergency contraceptives or any form of contraceptive.

We already allow plans participating in the FEHBP to object on religious grounds to providing reproductive health services; we now will allow pharmacists to deny women access. A small town pharmacist could simply object to filling a prescription because she morally objects to the use of contraceptives. A woman is now subjected to the moral judgment of her pharmacists. Is she free to simply go to another pharmacy? In many rural communities there really aren't nearby other options. In addition, many plans require use of a preferred provider for pharmacy benefits. What happens if your preferred provider is morally opposed to providing contraceptives?

I do not oppose conscience clauses, but I do oppose denying women access to legally prescribed contraceptives simply based on moral objections. This is simply outrageous and once again the threat to women's health is ignored.

Let me end on a positive note. I am appreciative of the subcommittee's work to provide \$5 million in State Department monies for costs related to the World Trade Organization Ministerial meeting which will be held in Seattle, WA. The President requested \$2 million and I am pleased Senator GREGG and Senator HOLLINGS agreed to my request for a significant increase for WTO expenses. I had hoped for some additional language to ensure that the State Department reimbursed localities in Washington State for legitimate WTO police and fire expenses. The WTO Ministerial will be the largest trade meeting ever held in the United States, both the Federal Government and Washington State are bearing significant costs to host the world's trade negotiators. I expect and I will push the State Department to be responsive to the needs of local governments in Washington State in the expenditure of these additional monies.

Mr. JEFFORDS. Mr. President, I thank Senator GREGG for recognizing the need of three Vermont towns to upgrade, modernize and acquire technology for their police departments in this Conference Report. Allowing these police departments to improve their technology will permit them to increase the efficiency and effectiveness of the services they provide.

Reflecting the needs of the police departments, the \$1 million in technology funds for these three towns should be divided on the following basis: one-half (\$500,000) to the Burlington Police Department, one-third (\$333,000) to the Rutland Police Department, and one-sixth (\$167,000) to the St. Johnsbury Police Department. Again, I appreciate his help in addressing the technology problems these towns' police departments are facing. I look forward to working with him to get this important appropriations bill signed into law.

Mr. LOTT. I ask unanimous consent the conference report be agreed to and the motion to consider be immediately laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—Continued

Mr. LOTT. The upcoming vote will be the last vote this evening. Senators who wish to debate the partial-birth abortion issue should remain this evening for statements. The next vote will be at 11 a.m. tomorrow morning relative to amendment No. 2321.

I thank my colleagues on both sides of the aisle and both sides of this issue for their cooperation.

I yield the floor.

VOTE ON AMENDMENT NO. 2319

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment No. 2319.

Mrs. BOXER. I ask for the yeas and nays.

Mr. SANTORUM. I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2319. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—61

| | | |
|-----------|------------|------------|
| Abraham | Fitzgerald | McConnell |
| Allard | Frist | Murkowski |
| Ashcroft | Gorton | Murray |
| Bennett | Gramm | Nickles |
| Bond | Grams | Reed |
| Boxer | Grassley | Roberts |
| Brownback | Gregg | Roth |
| Bunning | Hagel | Santorum |
| Burns | Hatch | Schumer |
| Campbell | Helms | Sessions |
| Chafee | Hollings | Shelby |
| Cochran | Hutchinson | Smith (NH) |
| Conrad | Hutchison | Smith (OR) |
| Coverdell | Inhofe | Stevens |
| Craig | Inouye | Thomas |
| Crapo | Jeffords | Thompson |
| DeWine | Kyl | Thurmond |
| Domenici | Lautenberg | Voinovich |
| Dorgan | Lott | Warner |
| Enzi | Lugar | |
| Feinstein | Mack | |

NAYS—38

| | | |
|----------|-----------|-------------|
| Akaka | Edwards | Lincoln |
| Baucus | Feingold | Mikulski |
| Bayh | Graham | Moynihan |
| Biden | Harkin | Reid |
| Bingaman | Johnson | Robb |
| Breaux | Kennedy | Rockefeller |
| Bryan | Kerrey | Sarbanes |
| Byrd | Kerry | Snowe |
| Cleland | Kohl | Specter |
| Collins | Landrieu | Torricelli |
| Daschle | Leahy | Wellstone |
| Dodd | Levin | Wyden |
| Durbin | Lieberman | |

NOT VOTING—1

McCain

The motion was agreed to.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Ohio.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that Brittany Feiner be granted the privilege of the floor for the duration of Senate consideration of S. 1692.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I rise this evening to, once again, strongly urge my colleagues to vote to ban partial-birth abortion. Three times Congress has voted to pass legislation to ban the barbaric practice of partial-

birth abortion—but tragically, at every opportunity, the President of the United States has vetoed the act of Congress to ban this needless and horrific procedure.

The words of Frederick Douglass uttered more than 100 years ago I believe are very applicable to this discussion. This is what Frederick Douglass said:

Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted. . . .

We must continue our struggle to ban partial-birth abortion in this country. We are debating a national question that in my ways, is not unlike the issue of slavery, in part, because opponents of this legislation are truly using artificial arguments to justify why certain people, in their opinion, have no legal status and no civil, social, or political rights. Those opposing the partial-birth abortion ban imply that the almost-born child has no right to live. Clearly, the vast majority of the American people, and a majority of Congress disagree.

Every year the tragic effect of this extreme indifference to human life becomes more and more apparent. We must ban this procedure. We must simply say that enough is enough.

In my home State of Ohio, two tragic cases of partial-birth abortions did not go "according to plan." Each reveals, in its own way, the unpleasant facts of this horrible tragedy of partial-birth abortion.

On April 6, in Dayton, OH, a woman went into the Dayton Medical Center to undergo a partial-birth abortion. This facility is operated by Dr. Martin Haskell, a pioneer of the partial-birth abortion procedure. Usually this procedure takes place behind closed doors, where it can be ignored—its morality left outside.

But, this particular procedure was different. Here is what happened.

The Dayton abortionist inserted instruments known as laminaria into the woman, to dilate her cervix, so the child could eventually be removed and killed. This procedure usually takes 3 days.

This woman went home to Cincinnati, expecting to return to Dayton for completion of the procedure in 2 or 3 days. But, her cervix dilated too quickly and so shortly after midnight, she was admitted to Bethesda North Hospital in Cincinnati.

The child was born. A medical technician pointed out that the child was alive. But apparently her chances of survival were slim. After 3 hours and 8 minutes, this baby died. The baby was named Hope.

On the death certificate is a space for "Method of Death." And it said, in the case of Baby Hope, "Method of Death: Natural." That, of course, is not true. There was nothing natural about the events that led to the death of this poor innocent child.

Baby Hope did not die of natural causes. Baby Hope was the victim of